

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

: Case No. 3:99-cr-86
(Civil Case No. 3:10-cv-406)

Plaintiff,

vs.

: District Judge Walter H. Rice
Magistrate Judge Michael J. Newman

JACK CLARK,

Defendant.

:

DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATION (DOC. #1263) IN ITS ENTIRETY; DENYING DEFENDANT'S MOTIONS TO ALTER OR AMEND JUDGMENT UNDER FED. R. CIV. P. 59(e) (DOCS. #1261, #1262)

The Court has reviewed the December 6, 2012 Report and Recommendation of United States Magistrate Judge Michael J. Newman (Doc. #1263), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b)(2) has expired, the Court adopts the aforesaid Report and Recommendation in its entirety.

Defendant's Motions to Alter or Amend Judgment Under Fed. R. Civ. P. 59(e) (Docs. #1261, #1262) are denied. If Defendant appeals this decision to the Sixth Circuit Court of Appeals, he is denied a certificate of appealability and leave to proceed *in forma pauperis*.

January 24, 2013



WALTER HERBERT RICE, JUDGE
UNITED STATES DISTRICT COURT